

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7356

BILL NUMBER: HB 1178

NOTE PREPARED: Jan 2, 2003

BILL AMENDED:

SUBJECT: Police radio permits.

FIRST AUTHOR: Rep. Buck

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill specifies a procedure for a person to obtain written permission from the chief law enforcement officer of an agency to use a police radio. It requires the law enforcement agency to maintain documents and records regarding an application for permission to use a police radio. It also makes it a Class C infraction if a person does not have the approved application for permission available when a law enforcement officer demands it. The bill provides that all permission granted before July 1, 2003, expires January 1, 2004.

Effective Date: July 1, 2003.

Explanation of State Expenditures:

Explanation of State Revenues: Under current law, unlawful use of a police radio, a Class B misdemeanor, does not apply to a person who has written permission from the chief executive officer of a law enforcement agency. Under the bill, the procedure for obtaining this permission, as well as record maintenance requirements for local law enforcement agencies, is set out. Additionally, the bill creates a Class C infraction for not maintaining a copy of an approved application with the radio or failing to make a copy of the application available to a law enforcement officer.

There are no data available to indicate if the change in procedure would increase or decrease the number of offenders convicted of unlawful use of a police radio or how many offenders would be convicted of the Class C infraction. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class B misdemeanor is \$1,000, and the maximum judgement for a Class C infraction is \$500. Criminal fines are deposited in the Common

School Fund, and judgements for infractions are deposited in the state General Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee for the Class B misdemeanor or the \$70 court fee for a Class C infraction that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: A Class B misdemeanor is punishable by up to 180 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Additionally, local law enforcement agencies would have additional expenditures for approving applications for permission to use a police radio and for maintaining records. These costs would be based on the number of applications the agency receives and would vary across the state based on the capacity each agency has available.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee for a Class B misdemeanor or the \$70 court fee for the Class C infraction that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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